

TRAIN ARRIVALS

No. 1—9.45 p. m.
No. 4—5.50 p. m.
No. 7—10.55 p. m.
No. 8—11 p. m.
No. 9—11.45 p. m.

VOLUME 22.

The Present Arrangement, Fort Stars.



SHERIFF'S POSSE HAS RUNNING FIGHT WITH OUTLAW

Horsethief Led Chase Over Several Counties in Northern Colorado.

MOUNT IS SHOT FROM UNDER HIM

Man Falls in Willows But Officers Postpone Continuing Search for Fear of Treachery--Desperado May Have Chosen to Sell His Life Dearly.

Granite, Colo., Dec. 11.—In a running battle with a sheriff's posse last night five miles south of Granite, Jas. Brennan, the alleged leader of a gang of horse thieves, was shot and is believed to be dead. His horse was shot from under him and at another volley, Brennan himself fell in some willows.

Fearing treachery, the posse did not begin a search for the body until this morning. There is no doubt but that Brennan is wounded and if he has managed to escape, will be followed and captured or killed.

Mummy Thiefs Committed.

The battle last night was the end of a long chase that has led all over northern Colorado. For many months past the farmers and stock raisers of this section of the state have suffered from depredations committed by stock thieves. Several times posses of ranchmen have followed the thieves and on one or two occasions have recovered their property.

A few nights ago a gang made a raid near here stealing a number of horses. A posse was quickly formed and went in pursuit. The thieves scattered but with hopes of breaking up the band, the posse continued to follow Brennan, who was thought to be the leader. The posse caught up with Brennan last night and a running fight ensued. The horse ridden by Brennan was shot and it is believed that the man was hit also. Knowing the desperate character of the man and fearing that he had fallen in the willows with the avowed intention of selling his life dearly, the officers made no search of the willows until this morning.

TERRIBLE RACE WAR IS RAGING IN MISSISSIPPI

Several Whites and Thirty Negroes Are Killed--Several Houses Burned.

Memphis, Tenn., Dec. 11.—A special to the News-Scimitar from Columbus, Miss., says that 25 or 30 negroes are dead and that five whites and many negroes are wounded and five negro lodges have been burned in a fierce race war, which is in progress in Pickens county, Alabama, owing to the discovery of a plot by negroes against the whites and every black is in danger.

It is said the plot was to be carried on by means of lodge rooms in the remote districts of Pickens county.

The whites found a number of rifles and shotguns in the lodge room at Columbus and fired the building. Fifteen negroes were killed at one place and probably as many more at other places.

The reports from affected districts are conflicting owing to the poor means of communication.

MURDERER ELECTROCUTED IN NEW JERSEY

Spirit Flew Before 1,800 Votes of Invisibly Death Dealing Agent.

Trenton, N. J., Dec. 11.—The first official electrocution in New Jersey occurred at the state penitentiary here at 6 a. m. today. Servino Di Giovanni was put to death for the murder of Joseph Samson at Raritan last September. The electrocution was successful. Eighteen hundred volts were used. Death was instantaneous.

ALBUQUERQUE CITIZEN

"WE GET THE NEWS FIRST"

ALBUQUERQUE, NEW MEXICO, WEDNESDAY EVENING, DECEMBER 11, 1907.

WEATHER FORECAST

Denver, Colo., Dec. 11.—Rain or snow, and colder in north tonight. Fair south Thursday; snow north; fair south.

NUMBER 297

EDGEMOORE BOSTON ELECTS REPUBLICAN FOR MAYOR

Democrats Lose Two Members in Common Council--Prohibition Vote Is Growing.

DRYS GAIN 9,000 IN TWO YEARS

This is a Material Increase of the Total Temperance Vote of State of Massachusetts--Yesterday's Election Shows That Wets Are Losing Ground.

Boston, Dec. 11.—George A. Hibbard, a republican, was elected mayor of Boston yesterday and the board of aldermen elected is composed of seven democrats and six republicans. The common council has forty-six democrats and twenty-nine republicans.

The complexion of the aldermen is the same as in the past two years, but the democrats lost two members in the common council.

A tabulation of the liquor license vote is as follows: "Yes" 44,030; "No" 27,634.

The vote for 1908 was "Yes" 43,222 to 18,640 "no." The increase of about 9,000 votes in Boston for no license very materially increases the total prohibition vote in the state.

MURPHY-FRAYNE GO RESULTS IN A DRAW.

San Francisco, Calif., Dec. 11.—A thirty round battle last night between Johnny Murphy and Johnny Frayne, lightweight boxers, at Colma, resulted in a draw.

HELENA SMELTER RESUMES OPERATIONS

Butte, Mont., Dec. 11.—The east Helena plant of the American Smelting and Refining company has announced that it will resume buying all custom ores. This will cause a resumption in many mines in Montana, which have been closed since the smelter refused any ores except those from contract shippers.

GEN. FUNSTON IN CHARGE AT GOLDFIELD



San Francisco, Dec. 11.—General Funston started for Goldfield this morning, acting under instructions from President Roosevelt.

WESTERN UNION PAYS DIVIDEND WITH ITS OWN STOCK

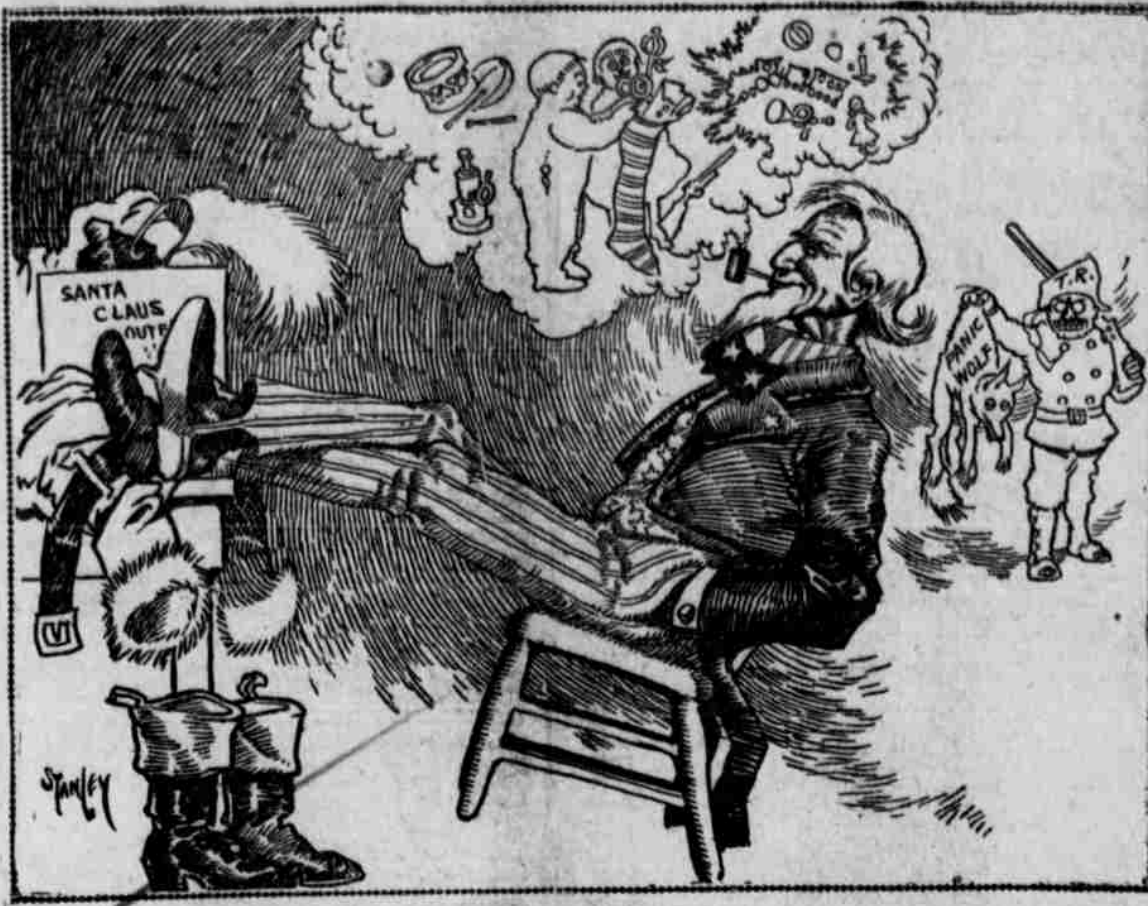
New York, Dec. 11.—The directors of the Western Union Telegraph company today declared a quarterly dividend of 1 1/4 per cent, payable in stock of the company. The company has \$2,520,000 of unsold stock and the dividend will be paid by the issuance of this stock to the amount required.

TWO AMERICANS TO BE SHOT IN BRAZIL

Led By a Mexican Revolutionist, They Attempted to Capture a State.

New York, Dec. 11.—In addition to George Vice, of New Jersey, Samuel Barker, age 22, of New York, is among the filibusters recently arrested and sentenced to be shot at Minas Gernes, Brazil. Barker told his mother that he was going to Brazil with a winning party.

The state department has promised to do all in its power to save the lives of the young Americans concerned in the foolhardy attempt to capture a Brazilian state with only one hundred men under the leadership of a Mexican revolutionist.



UNCLE SAM: WAL, IT'S PRETTY NEAR TIME FOR ME TO PUT ON THEM DUDES AGIN.

CATHOLIC MISSIONS MAY USE INDIANS' MONEY

This Is the Opinion Handed Down by the U. S. Court of Appeals.

DECISION ONE WHICH HAS BEEN LONG PENDING

Washington, D. C., Dec. 11.—The court of appeals of the District of Columbia has handed down its opinion in the so-called Indian "tribal and treaty funds" case, involving the use of those funds for the education of Indian children in the mission schools of the west. The decision sustains the contention, made before the interior department for a decade, by the bureau of Catholic Indian missions, which is chairman, Cardinal Gibbons of Baltimore is chairman, that the tribal and trust funds could be used for the education of Indian children in the mission schools.

In 1890 the policy of paying out of public funds for the support and education of Indian children in mission schools was finally discontinued by congress the first legislative act toward that end having been enacted in 1895. As early as 1898 the bureau of Catholic Indian missions petitioned the secretary of the interior to grant a contract for the support and education of Menominee Indian children, payable out of Menominee Indian tribal funds, the contention being that such funds were not public funds of the United States, but funds of the Indians.

Bliss Opposed Move.

The petition was denied by Secretary Bliss, who ruled that it was "impossible under the law, to use the money of the Indians for this purpose."

By virtue of this ruling the case was looked upon as closed. When Father Ketcham came to Washington to take charge of the bureau in 1900, he made an effort to prevail upon the executive to permit the use of Indian tribal money for the support and education of Indian children in mission schools. He met with no encouragement, but finally, under President Roosevelt, secured a consideration of the matter, which resulted in the granting of contracts for certain mission schools, payable out of the funds of the Indians.

The granting of these contracts by the president was the occasion of much criticism from certain quarters. The president, however, remained firm in the attitude he had taken, and declared that these contracts should continue so long as congress or the courts did not decree otherwise.

Test Case Is Filed.

As congress declined to legislate adversely to these contracts, a test case was introduced into the courts. The Indian Rights association, under the cover of the names of three Sioux Indians, Reuben Quickbear, Ralph Eagle Feather and Charles Tackett, filed a petition in the supreme court of the District of Columbia for an injunction to restrain the commissioner of Indian affairs from making a contract with the St. Francis mission school, on the Rosebud agency, in South Dakota.

The St. Francis mission school is of a twofold character and consists of trust funds deposited in the United States treasury and of treaty stipulations. Justice Ashley M. Gould of the supreme court of the District of Columbia handed down an opinion in the case some time ago, refusing the injunction so far as the trust funds were concerned, but granting it as to the treaty moneys.

Cross Appeal Taken.

A cross appeal was taken to the court of appeals for the District of Columbia and the case was heard before Justice Shepard, Associate Justice Robb and the late Associate Justice McComas. The decree of that court, which has just been rendered, affirms the decision rendered by the lower court as to the trust funds, but reverses it as to the treaty funds, and orders the dismissal of the injunction.

The court orders that the cause be remanded to the lower court with these instructions and with instructions for the dismissal of the bill for contempt at the cost of the complainants.

By this decision the Catholic church, through the bureau of Indian missions, wins its point in both of the contentions respecting the use of the two kinds of funds.

ARKANSAS SENATOR MAKES MAIDEN SPEECH

Impetuosity of Jeff Davis Breaks All Records for Youngsters.

"JIM DANDY" EASTERNERS NOT THE WHOLE THING

Washington, D. C., Dec. 11.—Senator Jeff Davis, the new senator from Arkansas, who took the oath of office December 2, made his maiden speech in the senate today.

Senator Davis has introduced upon the floor of the senate a bill that deals with trusts and corporations and this bill was the subject of his speech today. The bill contains 30,000 words, just as many as the president's message.

As far as the hoary heads of the senate can remember Senator Davis breaks all records for speechmaking of new members. None have ever had the courage before to make a speech so soon after taking their seats. Senator Davis explains his impetuosity by saying that he had people down in Arkansas want to hear from him.



Senator Jeff Davis, of Arkansas.

When asked if he wasn't afraid that at the last moment the committee on shutting him off by bringing up some comatose bill at the appointed hour, Senator Davis said:

"Well, I'll make that 'ere speech if I am in, and do I look as if I am likely to die?"

There were no signs of shuffling off this mortal coil about Davis.

"I don't see why I should know anything about all this fine-dam precedent business," he continued. "We don't stand on these small matters out in my country, and I have been governor long enough to teach some of them senators parliamentary procedure, or whatever you want to call it."

"I want to speak, I intend to speak, and I don't intend wasting time sitting about with my mouth open, waiting for somebody to find a place on the program for me."

"I am just as much of a senator as Dewey or Platt or Foraker, or any other old timers, and I am going to say my little piece next Wednesday if I bust up the house doing it."

"These Jim dandy easterners with their stove-pipe hats and their formal-laid coats ain't the whole thing, and I am not afraid of 'em."

PRESIDENT SENDS LABOR COMMISSIONERS TO GOLDFIELD

Actual Trouble Between Miners and Operators Will Be Probed.

HOLD CONFERENCE WITH ROOSEVELT AND LEAVE

Washington, D. C., Dec. 11.—Assistant Secretary Murray of the department of commerce and labor, Charles P. Neill, commissioner of labor, and Herbert Knodsmith, commissioner of corporations, will leave Washington this afternoon for Goldfield, Nev., to make a thorough investigation of the trouble there between the miners and mine operators.

Secretary Murray made this announcement today shortly after a conference with President Roosevelt.

Operators Issue Ultimatum.

The Goldfield Mine Owners association has issued an ultimatum to the miners in Goldfield, in the shape of a set of resolutions adopted at a meeting of the members. The resolutions, which embody a new scale of wages, showing a lowering of the scale of about twenty per cent, are as follows:

"Resolved that the mines of the district re-open upon the wage scale agreed upon and that the following rates of wages be adopted as the scale to be paid in the district, by all operators, members of the association:

"Miners \$4 from \$5, machine men \$4 from \$5, chuck tenders \$3.75 from \$5, muckers \$3.75 from \$5, carmen \$3.75 from \$5, top carmen \$3.75 from \$5, pumpmen \$4 from \$5, timbermen \$4.50 from \$5, carpenters \$5 from \$7, machinists \$5 from \$6, engineers (licensed) \$5 from \$6, electricians \$5 from \$7, blacksmiths \$5.50 from \$6, blacksmiths' helpers \$4 from \$5, surface laborers \$3.50 from \$4.50, amalgamators \$4.50 from \$5, valet-men \$4 from \$5, laborers \$3.50 from \$5."

Must Quit Union.

"Resolved, that no member of the association employ in or around any mine or mill, any member of Goldfield Local Union No. 220, Western Federation of Miners, or any union connected with the Western Federation; that all men hereafter employed by any member of this association in or around any mine or mill, be required to sign a written contract which contains an agreement that the miner is not and will not be during the time he is working a member of Goldfield Miners' union, or any other union connected with the Western Federation."

Reduce Cost of Living.

"Resolved, that it is the sense of the association that the cost of living in Goldfield district be reduced at least twenty per cent from what it now is and unless this be done within a reasonable time the association will construct and operate a general merchandise store, or stores and boarding houses that will guarantee the employed in and around the mines or mills, a reduction to this or a greater amount."

The association announced that if there was not a sufficient number of men willing to go to work upon the terms of the resolution before December 12, it will employ men from such sources as it may be able to secure them.

JUDGE POPE GOES HIGHER UP

Washington, Dec. 11.—The president sent the senate today the nomination of William H. Pope of New Mexico to be associate justice of the supreme court of the territory of New Mexico.

STATE PROVING STRONG CASE AGAINST CALEB POWERS

Kentucky Attorney May Yet Be Found Guilty of Killing William Goebel.

PROSECUTION CALLS NEW WITNESSES

Sensational Evidence of Frank Cecil at Last Trial--Youtsey Proves Good Witness Against Defense--Convict Promised Freedom.

Georgetown, Ky., Dec. 11.—The trial of Caleb Powers for the murder of William Goebel is progressing slowly owing to the disposition of the state to thoroughly question all the witnesses. Some of the evidence is the same as produced at the three former trials and some of it is new.

The state was some confused by the sudden disappearance of Frank Cecil, one of its important witnesses early last week. The supposition was that Cecil had been spirited away. His testimony at the last trial was easily the feature of that hearing.

The most important part of the testimony of Cecil, given at the last trial, directly connects both Caleb Powers and W. S. Taylor with the conspiracy alleged. He detailed conversations which he said he had with both men the night before Goebel was assassinated. Powers, he says, told him that a man was expected the next morning to do the killing, but that if he did not come he, Powers, wanted Cecil to find a man. Taylor, he says, told him a few minutes later that he had \$25,000 and a free pardon for any man that will kill Goebel. This testimony, as given by Cecil upon the last trial of Caleb Powers, reads as follows:

Cecil's Story.

"I had a conversation with Powers the night before Goebel was killed. I went over to his office and went in and I went in his office. He and Henry Paynter were sitting in his office talking. Paynter made the remark that somebody ought to kill Goebel."

Q.—What did Powers say to that?
A.—He never said a word.
Q.—What did you say?
A.—I did not open my mouth at that time.
Q.—What did Paynter say?
A.—He sat around a few minutes and got up and went out.
Q.—Was there any conversation between yourself and Powers after Paynter went out?
A.—Yes, sir. Powers asked me what I thought about what Paynter said. I said I thought that was pretty good talk for a man like Paynter to handle. Powers said: "If Goebel isn't killed this damned legislature is going to seat him in spite of Hell." I said that was a guess. He said: "There was a man from across the hall wanted to kill him from that window with that gun sitting in that corner over there with a gun there with a board over it and I would not let him do it." I said: "Why in the hell didn't you let him do it?" He said: "I was afraid to trust him." He said: "We are looking for a man in the morning and if he comes he will do it, and if he don't you know the mountain men here, and if you will find a man who will kill Goebel, I will find a man who will furnish the money."

Q.—Did he say anything further to you as to that?
A.—He asked me not to say anything about the conversation we had.
Q.—When you went out of that office where did you go?
A.—I stopped in the reception room, in between the private office of the secretary of state and the governor's office.
Q.—After you went in there did you see Powers any more?
A.—Yes, sir.
Q.—Where?
A.—He came from the governor's office. He was standing at the entrance of the governor's room. He motioned the governor wanted to see me, and I went into the governor's office then. When I went in Taylor asked me what I thought about what Powers said to me, and I told him I had not thought much about it. He said: "If Goebel ain't killed they are going to rob me of my office. I have \$25,000 of campaign funds left, and I will give that and a free pardon to any man that will kill Goebel." I asked him if he thought I was crazy or just naturally a damned fool.

Q.—Did he make any response?
A.—Yes, sir. He told me not to say anything about what he had said to me, and he told me that if I ever told it I had sense enough to know I would never live to swear to it.
Q.—When did this conversation between yourself and Powers and the governor occur--on what night?
A.—It was the night before Goebel was killed.
Q.—On the next morning did you see Caleb Powers?
A.—Yes, sir. I seen him next morning.

Q.—Where?
A.—I seen him at the depot getting on the train and going to the train. He looked excited to me. He looked pale and excited.
Q.—Did you have any conversation with him in the Louisville jail about these transactions between yourself and him and Taylor at Frankfort the night before Goebel was shot?
A.—I spoke a few words with him.
Q.—What was said?
A.—I seen him at the depot getting on the train and going to the train. He looked excited to me. He looked pale and excited.
Q.—Did you have any conversation with him in the Louisville jail about these transactions between yourself and him and Taylor at Frankfort the night before Goebel was shot?
A.—I spoke a few words with him.
Q.—What was said?
A.—I seen him at the depot getting on the train and going to the train. He looked excited to me. He looked pale and excited.

FIGHT FOR DEMOCRATIC NATIONAL CONVENTION HAS BEGUN

Denver Comes to the Front with Another Magnificent Offer of \$100,000.

COMMITTEE CONVENES AT NOON TOMORROW

Louisville and Cleveland Are Strong Candidates--Tom Johnson Is in Washington Working for Home Town--Committee Men Favor Chicago.

Washington, D. C., Dec. 11.—All preliminary arrangements for the meeting of the democratic national committee, which will be held at the Arlington hotel here tomorrow beginning at noon, have been completed. It is believed that it will be possible for the committee to select a place for the convention tomorrow. A spirited fight is promised, though there has been no active canvass by any city except Denver. The Colorado delegation has been on the ground and working for two weeks and has been strengthened by the addition of Chas. F. Wilson, who holds a proxy of a member of the committee.

Denver Offers \$100,000.

Denver has come out with an offer of a bonus of \$100,000 for the democratic convention the same as it did for the republican convention. The principal point against Denver is that it is too far away from the center of population of the country. Louisville and Cleveland will be strong candidates for the honor and committeemen from both places are on the ground with money. Some of the committeemen, however, hope that Chicago will extend a substantial invitation and argue that if it does, it will give the logical place now say that it is the logical place now that the republican convention has gone there. Kansas City and St. Louis have withdrawn from the race.

Sergeant-at-Arms Has Platform.

Col. John L. Martin, of St. Louis, sergeant-at-arms of the committee, has been in the capital since the meeting of the Rivers and Harbors congress a week ago. He is carrying around with him an old leather hand bag, which is said to contain some of the belongings of the democratic committee. He has denied that it is the democratic platform.

Mayor Tom Johnson, of Cleveland, is in Washington boosting for his home town.

TALMADGES ARE NOW ON TRIAL FOR THE THIRD TIME

Largest Land Owners in Pecos Valley Must Prove Their Titles Are Legal.

Roswell, N. M., Dec. 11.—Whether or not Talmadge Bros., the largest land owners in eastern New Mexico, came by their holdings honestly or not is now being threshed out here before a federal grand jury.

The United States is prosecuting the case.

The celebrated cases have been pending for over two years. Two jury trials have been had, one in plea in abatement, which was decided for the defendants, and another on its merits several weeks ago and the verdict was for the defendant.

It is alleged that the forthcoming trial will be the last of the Talmadge cases. Assistant Attorney General of the United States Hon. W. H. H. Llewellyn and D. J. Leahy, United States district attorney for New Mexico, represent the government.

The defense is represented by some of the most eminent lawyers of New Mexico, being Hon. W. W. Gatewood, a noted criminal attorney of southwest New Mexico; Hon. Granville A. Richardson, referee in the Kansas-Colorado water suit lately before the supreme court; Hon. W. C. Reid, ex-attorney general of New Mexico, and Hon. James M. Hervey, attorney general of New Mexico.

If this case is tried this term, the greatest legal battle in the history of New Mexico is anticipated. The defense feels confident that Judge William H. Pope will overrule the motion of the government for a continuance. Much public interest is being manifested in this trial. The defendants were pioneers in opening the development of immigration of the Pecos valley a number of years ago, and blazed the way for many other immigration operators.

(Continued from Page Four.)